

Serial No. 10/754,123
Attorney Docket No.: 2003-0270.02
Response to Office Communication

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APR 17 2008

REMARKS

Applicant has now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of December 17, 2007. Claims 1-6, 8-19 and 21-34 are pending with claims 1 and 14 being independent claims. Claims 1, 9-11, 14 and 22-24 are amended herein, and new claims 35-38 have been added. Application respectfully submits that new claims 35-38 are supported in the specification, including Figs. 1A-1B and 2A-2B. Claims 1-6, 8-19 and 21-34 remain in this application and are believed to be in proper condition for allowance. Review and reconsideration of the claims are respectfully requested.

Rejection of claims 1, 5-6, 8-9, 12, 14, 18-19, 21-22, 25, 27-30, 32 and 34 under 35 U.S.C. §102(b)

Claims 1, 5-6, 8-9, 12, 14, 18-19, 21-22, 25, 27-30, 32 and 34 are rejected under 35 U.S.C. §102(b) as being anticipated by US Patent No. 5,214,470 to Denber. In response, Applicant respectfully traverses the rejection based upon the following.

Claim 1 has been amended to more clearly claim Applicant's invention. In particular, claim 1 now recites that the determined border of the target image region surrounds the target image region, and performing processing on the target image region without processing regions outside of the target image region's border. Similarly, claim 14 has been amended to recite that the border surrounds the target image region, and image processing for processing the target image region without processing the image scanning area outside of the border. The invention of claims 1 and 14 advantageously allows for processing of only the target image region of the

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image scanning area without inadvertently processing regions that are mistakenly considered as being within the image scanning area due to a defect.

In contrast, Denber discloses handling a defect. Specifically, once a spot is detected, the Denber system will erase the spot either entirely or partially (col. 3, lines 10-13). If the detected spot is outside of the informational content area, the spot's pixels are changed to white (col. 3, lines 25-48). If the detected spot is partly in a black informational region 50, the part of the spot determined to be within the black region 50 is blackened and the part of the spot outside of black region 50 is made black. See Figs. 2 and 5-8, and col. 3, line 49 through col. 4, line 24. Denber is altogether silent as to determining a surrounding border of a target image region based upon a generated tag corresponding to a detected defect, as well as processing of the target image region without processing regions outside of the determined border. Application respectfully points out that making black some or all pixels corresponding to a detected spot, as shown in Figs. 5-9 of Denber, does not in any way amount to determining a surrounding border of a target image region, much less subsequent processing of such target image region without processing of other regions. Because Denber does not show all claim elements of claims 1 and 14, Applicant respectfully submits that claims 1 and 14 as well as the claims which depend therefrom are unanticipated by and allowable over Denber.

Claim 9 as amended recites that the recited processing comprising autofitting the target image to the image scanning area based upon the border determination. Claim 22 as amended recites that the image processing comprises an autofitter which selectively autofits the target image region to the image scanning area based upon the border of the target image region. The outstanding Office Action states that Denber shows autofitting an image. Applicant respectfully

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disagrees. Applicant notes that claims 9 and 22 recite autofitting a target image to the image scanning area. As described in the specification, an autofit algorithm is an algorithm which is typically applied to a scanned target image to enlarge the image to fit the page (see paragraph 0008). Applicant respectfully submits that Denber is altogether silent as to enlarging an image. The portions of Denber cited in the outstanding Office Action in no way disclose image enlargement, much less autofitting the claimed target image to the image scanning area without processing regions outside of the determined border as claimed. Applicant further submits that inwardly "spiraling clockwise processing" to determine whether to assign white or black pixels to a detected spot in Denber in no way amounts to autofitting an image having a surrounding border determined as claimed. As a result and noting that a reference must show each and every element of a claim in order to anticipate it, claims 9 and 22 are unanticipated by and allowable over Denber.

Rejection of claims 2-4, 10-11, 15-17, 23-24, 28 and 31 under 35 U.S.C. §103(a)

Claims 2-4, 10-11, 15-17, 23-24, 28 and 31 stand rejected under 35 USC 103(a) as being unpatentable over Denber in view of Peairs et al. (US patent 5,694,228, "Peairs"). In response thereto, Applicant submits the following.

Claim 10 has been amended to recite the recited processing comprises cloning the target image region to produce multiple target images over the image scanning area based upon the border determination. Similarly, claim 23 recites an image replicator which selectively replicates the target image region to produce multiple target images over the image scanning area based upon the target image region border. The claimed cloning and replicating advantageously allow

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for creating a collage or mosaic of an image over an entire scanning area. In contrast, it is stated in the outstanding Office Action that Peairs shows cloning the target image to produce multiple target images as claimed. The rejection of claims 10 and 23 seems to find image cloning and image replicating simply as a photocopier makes multiple copies of an image. Applicant respectfully disagrees with the rejection. In particular, Applicant respectfully points out that claims 10 and 23 recite cloning and replicating the target image, respectively, *over the image scanning area* that is *based upon the recited border*. Nowhere in Peairs (or Denber, for that matter) is there a disclosure of image cloning and replicating over the image scanning area as claimed. In addition, nowhere in Peairs of cloning and replicating a target image without processing regions outside of an image scanning area outside of a border determined as claimed. In an absence of any teaching or suggestion in Peairs and Denber of cloning and replicating the target image region over the image scanning area as claimed, Applicant respectfully submits that amended claims 10 and 23 are allowable.

Claim 11 as amended recites that the processing comprises enlarging the target image region to fit across multiple image scanning areas, based upon the border determination. Claim 24 recites an image enlarger which enlarges the target image region to fit across multiple image scanning areas based upon the target image region border. The invention of claims 11 and 24 advantageously ensure that only the target image region of the image scanning area is processed for enlargement over multiple scanning image areas, such as on a banner, without enlarging areas having a detected defect. In contrast, the rejection of claims 11 and 24 in the outstanding Office Action relies upon Peairs by pointing to the generic block diagrams of Figs. 1 and 2 as well as text stating that correcting the occurrence of a detected spot can be utilized for copier applications, and thus any "cumulative" features claimed which do not in any way appear in

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Peairs are relied upon to reject claims 11 and 24. In reply, Applicant respectfully points out that the invention of claims 11 and 24 do not merely additionally recite image enlargement, but are instead directed to enlargement of an image **having a surrounding border that is determined based upon tag information corresponding to a detected defect**. Nowhere in Peairs (or Denber, for that matter) is there any disclosure for determining a target image border as claimed and using such determination to perform image enlargement. In an absence in Denber and Peairs of all of the elements appearing in amended claims 11 and 24 and without any other reasonable identification and articulation of art, Applicant respectfully submits that claims 11 and 24 are allowable.

New claim 35 recites a method including performing a defect scan, performing a second scan on the image scanning area having a target image region, determining a surrounding border of the target image region based upon the location of a detected defect, and processing the target image region without processing sections of the image scanning area outside of the determined border. As explained above with respect to claims 1 and 14, Denber fails to show or suggest determining a **surrounding border** of the target image region of an image scanning area, and processing only the target image region **without processing the rest of the image scanning area outside of the border**. In an absence in Denber and any other reference relied upon in the outstanding Office Action of all of the claim limitations in new claim 35, Applicant respectfully submits that new claim 35 and its dependent claims are allowable.

New claim 36 recites the processing comprises replicating the target image region over the image scanning area without replicating sections outside of the determined border. New claim 37 recites the processing comprises autofitting the target image region to the image

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scanning area while ignoring sections of the image scanning area outside of the border. New claim 38 recites processing comprises enlarging the target image region to fit across multiple image scanning areas while ignoring sections of the image scanning area outside of the determined border. As explained above, no reference relied upon in the outstanding Office Action shows or even remotely suggests various image processing of only image regions within a border that is determined as claimed in claim 35. As a result, new claims 36-38 are believed to be allowable.

Conclusion

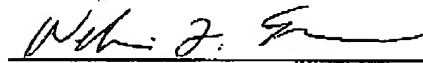
Applicant respectfully submits that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections, and that they be withdrawn. Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, applicant respectfully submits that all pending claims are in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone or email the undersigned at the numbers provided.

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Respectfully submitted,



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Certificate of Mailing or Transmission

I hereby certify that this Amendment is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at 571-273-8300, on the date indicated below.

Depositor's Name

Signature

Date: _____